

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64643 of 2022

Arising Out of PS. Case No.-294 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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Digvijay Nath Tiwari Son Of Narendra Nath Tiwari R/O Village- Kashi
Pushtak Bhandar Soyababu Chowk, Bettiah, P.S.- Bettiah Town, District-
West Champaran, Permanent Address Khushi Tola, P.S.- Bairiya, District-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-05-2023 Heard Mr. Brij Kishore Mishra, learned counsel

appearing on behalf of the petitioner and Mr. Syed

Ehteshamuddin, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Bettiah Town P.S. Case No. 294 of 2017, registered under
Sections 419 and 420 of the Indian Penal Code and Section 63
of the Copyright Act.

The prosecution case, in brief, is that the informant
in his written First Information Report described himself an
employee of Bharti Bhawan, who with the help of Police force
got raid made at Kashi Book Mandir, Bettiah from where 26
books were recovered, which was not published by Bharti
Bhawan and the same was duplicate one. On the shop one staff



was found sitting, who disclosed the name of owner of shop as Digvijay Nath Tiwari (Petitioner). The informant got the seizure list prepared for recovery of 26 pieces books, which was not published by Bharti Bhawan.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is a book seller and for which he has been made accused under the Copyright Act. He further submitted that, in fact, the petitioner purchased the alleged books from Gayan Ganga Limited, Patna and he has not violated the Copyright Act. The prosecution has not made Gayan Ganga Limited, Patna as accused.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

Having heard the rival submission made by the parties as well as the allegation made in the F.I.R. it appears that petitioner had purchased the books, which has been allegedly published by Bharti Bhawan have been found at the shop of the petitioner, in fact, have been purchased by the petitioner from Gayan Ganga Limited, Patna.

The petitioner is directed to produce receipt of the books purchased from the Gayan Ganga Limited, Patna for which the allegation has been made against him. If the petitioner



produces receipt/bill of the books purchased from Gayan Ganga Limited, Patna before the learned Court below by filing an affidavit to the effect that the statement, which has been made before this Court, the petitioner, above named is directed to be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 294 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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